

BRONSTEIN, GEWIRTZ & GROSSMAN, LLC  
144 N. Beverwyck Road, # 187  
Lake Hiawatha, New Jersey 07034  
(973) 335-6409

- and -

GREEN, SAVITS & LENZO, LLC  
35 Airport Road - Suite 350  
Morristown, New Jersey 07960  
(973) 695-7777

Attorneys for defendant/third party plaintiff  
JESUS J. PALMERONI

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

-----X

N.V.E., INC., : Civil Action No.:  
2:06-CV-05455 (HAA) (ES)

Plaintiff, :

- v. - :

**MOTION DATE:**  
***October 22, 2007***

JESUS J. PALMERONI, a/k/a Joseph :  
Palmeroni, RONALD SUMICEK, SUNBELT :  
MARKETING, ABC CORPORATIONS 1-10 :  
and JOHN DOES 1-10, :

**ORAL ARGUMENT REQUESTED**

Defendants. :

**NOTICE OF**  
**MOTION FOR SANCTIONS**

-----X

JESUS J. PALMERONI, :

Third-party plaintiff, :

- v. - :

ROBERT OCCHIFINTO and WALTER :  
ORCUTT, :

Third-party defendants. :

-----X

**PLEASE TAKE NOTICE** that on October 22, 2007, at 10:00 a.m.

in the forenoon of that day or as soon thereafter as counsel may

be heard, defendant JESUS JOSEPH PALMERONI, by and through his attorneys, Bronstein, Gewirtz & Grossman, LLC, will move this Court at the Martin Luther King, Jr. Federal Building and Court House, 50 Walnut Street, Newark, New Jersey 07102, for an order:

(1) requiring plaintiff N.V.E., INC. and its counsel SAMUEL J. SAMARO, ESQ., ELLEN W. SMITH, ESQ., DAVID G. WHITE, ESQ., DANIEL M. STOLZ, ESQ., PASHMAN STEIN, P.C. and WASSERMAN, JURISTA & STOLZ, P.C. to pay the litigation expenses, including attorney fees, defendant JESUS JOSEPH PALMERONI reasonably incurred as a result of (A) the allegations of fact and law contained in papers presented by plaintiff and its counsel to this Court falsely stating that (I) the U.S. Bankruptcy Court for the District of New Jersey has authorized the plaintiff to bring the present action outside of that Court, (ii) the plaintiff owns all of the claims it has asserted in this action, and (iii) this Court has jurisdiction over the subject matter of all of plaintiff's claims; (B) manifest failures to reasonably investigate the law and facts underlying this matter; and (C) commencement and continued prosecution of the action in bad faith with knowledge that it lacks all merit;

(2) requiring plaintiff N.V.E., INC. and its counsel SAMUEL J. SAMARO, ESQ., ELLEN W. SMITH, ESQ., DAVID G. WHITE, ESQ., DANIEL M. STOLZ, ESQ., PASHMAN STEIN, P.C. and WASSERMAN, JURISTA

& STOLZ, P.C. to pay such additional penalties or to take such additional actions as this Court may require as a further sanction for its conduct;

(3) dismissing all of the claims asserted by the plaintiff against defendant Palmeroni, with prejudice; and

(4) granting such other and further relief as to this Court may deem appropriate.

**PLEASE TAKE FURTHER NOTICE** that movant bases this motion upon Fed. R. Civ. P. 11, 28 U.S.C. § 1927 and the inherent authority of the Court to impose sanctions upon litigants and counsel who engage in bad faith litigation conduct. Movant relies upon the accompanying Memorandum of Law and the Declaration annexed to defendant Palmeroni's accompanying Motion to Dismiss filed in this Court and served upon non-movants simultaneously with the service of this motion, together with the exhibits annexed thereto. A proposed form of Order is submitted herewith.

BRONSTEIN, GEWIRTZ & GROSSMAN, LLC  
*Attorneys for defendant Jesus  
Joseph Palmeroni*

Dated: September 6, 2007

By: s/ Neil Grossman  
Neil Grossman

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing motion for sanctions ("Motion for Sanctions") consisting of the foregoing Notice of Motion, supporting memorandum of law and proposed form of order, and plaintiff's motion to dismiss dated September 6, 2007 ("Motion to Dismiss") to which the Motion for Sanctions refers (consisting of a notice of motion, supporting memorandum of law, supporting declaration and proposed form of Order), upon all parties of record appearing in this action and all counsel against whom relief is sought as follows:

1. By mailing a copy of such documents by first class mail, postage prepaid, on September 7, 2007 to the individuals listed below at their addresses indicated:

Samuel J. Samaro, Esq.  
Pashman Stein, P.C.  
21 Main Street  
Hackensack, New Jersey 07601

David G. White, Esq.  
Pashman Stein, P.C.  
21 Main Street  
Hackensack, New Jersey 07601

Daniel M. Stolz, Esq.  
Wasserman, Jurista & Stolz, P.C.  
225 Millburn Avenue, Suite 207  
P.O. Box 1029  
Millburn, New Jersey 07041

2. By electronically filing and serving the Motion to Dismiss on September 6, 2007 and by mailing a copy of the Motion

for Sanctions by first class mail, postage prepaid, on September 7, 2007 to the individual listed below at her address indicated:

Ellen W. Smith, Esq.  
Pashman Stein, P.C.  
21 Main Street  
Hackensack, New Jersey 07601

I certify that the foregoing statements made by me are true.  
I am aware that if any of the foregoing statements made by me  
are wilfully false, I am subject to punishment.

Dated: September 7, 2007

s/ Neil Grossman